



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

Memo No. 2

TO: MEMBERS OF THE SPECIAL COMMITTEE ON PERFORMANCE-BASED DISEASE
MANAGEMENT PROGRAMS FOR LARGE POPULATIONS

FROM: Rachel Letzing, Senior Staff Attorney

RE: Selected State Legislation Regarding Childhood Obesity

DATE: October 9, 2008

At the request of Chair Wieckert, this Memo provides examples of other states' legislation regarding childhood obesity. The state legislation highlighted in this Memo focuses on promoting wellness, healthy eating, and physical activity at school.

ARKANSAS

At the Special Committee's September 12, 2008 meeting, Dr. Ken Thorpe, Partnership to Fight Chronic Disease, noted that since Arkansas enacted legislation in 2003 (2003 Arkansas Act 1220) to combat childhood obesity, there has been a decline in the number of Arkansas children who are overweight or at risk for being overweight.

Arkansas law prohibits elementary schools from having vending machines that offer food and beverages, requires schools to include as part of the student report card to parents an annual body mass index percentile by age for each student, and requires schools to annually provide parents with an explanation of the possible health effects of body mass index, nutrition and physical activity.

Arkansas requires school districts to convene a school nutrition and physical activity advisory committee that includes members from school district governing boards, school administrators, food service personnel, teacher organizations, parents, students, and professional groups such as nurses and community members. The advisory committees are directed to do the following: help raise awareness of the importance of nutrition and physical activity; assist in the development of local policies that address issues and goals, including assisting with the implementation of nutrition and physical activity standards developed by the committee with the approval of the Department of Education and the State Board of Health; integrate nutrition and physical activity into the overall curriculum; ensure that professional development for staff includes nutrition and physical activity issues; ensure that students

receive nutrition education and engage in healthful levels of vigorous physical activity; improve the quality of physical education curricula and increase training of physical education teachers; and pursue contracts that both encourage healthy eating by students and reduce school dependence on profits from the sale of foods of minimal nutritional value.

CALIFORNIA

At the Special Committee's July 24, 2008, Amy Winterfeld, National Conference of State Legislatures, noted that California is one of several states that have enacted comprehensive legislation regarding school foods and beverages.

Since 2005, California has enacted a series of bills regarding food and beverages sold in public schools. California law bans the sale of soda in all public schools, but allows milk products, juice-based products, water, and electrolyte drinks to be sold. California law also sets food nutrition standards for food served and sold in K-12 public schools. Specifically, elementary schools may sell only full meals and individually sold portions of nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruit, vegetables that have not been deep fried, and legumes. In addition, an individually sold dairy or whole grain food item may be sold at an elementary school, except food sold as part of a U.S. Department of Agriculture (USDA) meal program, only if the item meets specified fat, saturated fat, sugar, and calorie restrictions. Snacks sold at a middle, junior, or high school, except food sold as part of a USDA meal program, must also meet specified fat, saturated fat, sugar, and calorie restrictions. In addition, fruit and nonfried vegetables must be offered for sale at any location where food is sold. [2005 Senate Bill 12 and 2005 Senate Bill 281.]

The California Fresh Start Pilot Program encourages all public schools to provide fruits and vegetables that have not been deep fried in order to promote consumption of such foods by school-age children. The California Department of Education received funding in order to provide grants to a county office of education or a community college in order to develop an online professional development seminar for school staff on serving, marketing, and promoting nutritious fruits and vegetables. [2005 Senate Bill 281]

California law prohibits artificial trans fat in food sold in school. [2007 Senate Bill 490.]

OREGON AND FLORIDA

At the Special Committee's July 24, 2008, meeting, Amy Winterfeld stated that Oregon and Florida each recently enacted school physical education time and frequency standards.

Oregon law requires school districts, within the next decade, to provide a minimum of 150 minutes per week of physical education in elementary schools and 210 minutes per week in middle schools. [2007 House Bill 3141.] In addition, Oregon recently allocated \$860,000 for grants to help school districts train physical education teachers and \$140,000 for the Oregon Department of Education to gather information from districts about current physical education programs.

Florida law requires 150 minutes of physical education each week for students in K-5. Florida also requires review and revision of the Sunshine State Standards for physical education to emphasize the role of physical education in promoting the knowledge, skills, and attitudes that prepare students to

make healthy lifelong nutrition and physical fitness choices. The Florida Commissioner of Education is required to make prominently available on the department's website links to an internet based clearinghouse for professional development regarding physical education. [2007 House Bill 967.]

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